

Thorpe North & Western, LLP Attorney Docket No. 20308.CON4 Pat. App. SN: 10/765,463

REMARKS

Applicant thanks the Examiner for consideration of the subject patent application. In the office action mailed September 21, 2005, Claims 1-20 were pending, and made subject to a species election requirement under 35 U.S.C. § 121. Particularly, the Examiner indicated that Claims 1-20 contained four patentably distinct species of compound that could be combined with testosterone in the claimed formulations, namely: 1) dehydroepiandrosterone; 2) melatonin, 3) progesterone, and 4) oxytocin. By the present election, Applicant has elected Species 3, progesterone. A review of Claims 1-20 reveals that Claims 1-10, 16-17, and 20 are readable on this species. Accordingly, Claims 1-10, 16-17, and 20 remain pending for consideration in the present application and Claims 11-15, and 18-19 are withdrawn.

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CONCLUSION

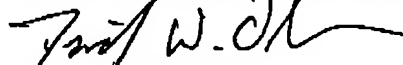
In view of the foregoing, Applicants respectfully submit that Claims 1-10, 16-17, and 20 are ready for examination in the present application and examination thereof is respectfully requested. If any impediment to the Examination of Claims 1-10, 16-17, and 20 remains after consideration of the above-recited remarks, which could be resolved during a telephone interview, the Examiner is invited to telephone the undersigned attorney at (801) 566-6633 so that such issues may be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 20-0100.

DATED this 21st day of October, 2005.

Respectfully submitted,

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